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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,636	09/26/2003	Shabbir A. Khakoo	502063-A-01-US (Khakoo)	8093
47702 7590 06/24/2008 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER BATES, KEVIN T	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 06/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,636	<b>Applicant(s)</b> KHAKOO ET AL.	
	<b>Examiner</b> KEVIN BATES	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3-28-05, 12-12-07, 5-14-08, 5-15-08</u> .                     | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

This Office Action is in response to a communication received on September 26, 2003.

The Information Disclosure Statements received March 28, 2005, December 12, 2007, May 14, 2008, and May 15, 2008 have been considered.

Drawings have been received November 28, 2003.

Claims 1-25 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites that presence information is translated into a standard format. It is not clear from the claim limitations in light of the specification what corresponds to a standard format.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Appelman (WO 03/098425).**

**Regarding claims 1 and 19**, Appelman teaches a method for delivering an email message to a recipient, comprising:

receiving said email message from a sender (Page 19, lines 14-15);

obtaining a presence status of said sender from a presence server (Page 20, lines 17-22; Page 21, lines 4-7; 29-31), wherein said presence status indicates a presence status of said sender across a plurality of domains (Page 21, lines 29-31); and

delivering said email message to said recipient with an indication of a presence of said sender (Page 2, lines 8-14).

**Regarding claim 14**, Appelman teaches a method for delivering an email message to a recipient, comprising:

receiving said email message from a sender (Page 19, lines 14-15);

obtaining a presence status of said sender across a plurality of domains (Page 20, lines 17-22; Page 21, lines 4-7; 29-31); and

providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present (Figure 11a; Page 21, lines 29-31).

**Regarding claims 2 and 20**, Appelman teaches the method of claims 1 and 19, wherein said presence server extracts presence information from a plurality of presence data stores (Page 20, lines 17-22).

**Regarding claims 3 and 21**, Appelman teaches the method of claims 2 and 21, wherein said presence server translates said presence information to a standard format (Figure 11a).

**Regarding claims 4 and 22**, Appelman teaches the method of claims 1 and 19, wherein said presence server determines said presence status of said sender based on one or more rules that aggregate extracted presence information (Page 22, lines 13-19).

**Regarding claims 5, 15, and 23**, Appelman teaches the method of claims 1, 14, and 19, wherein said recipient responds to said sender in another domain (Page 21, lines 29- 31).

**Regarding claims 6 and 24**, Appelman teaches the method of claims 1 and 19, wherein said presence information indicates if the message sender can be reached at one or more indicated devices (Page 21, lines 29-31).

**Regarding claim 7**, Appelman teaches the method of claim 1, wherein said presence information is obtained from a user registration process (Page 22, lines 8-11).

**Regarding claim 8**, Appelman teaches the method of claim 1, wherein said presence information is obtained by observing activities of a user (Page 22, lines 8-11).

**Regarding claims 9 and 16**, Appelman teaches the method of claims 1 and 14, wherein said recipient can respond to said sender in real time (Page 21, lines 29-31).

**Regarding claims 10 and 17**, Appelman teaches the method of claims 1 and 14, wherein said recipient can respond to said sender in non-real time (Page 21, lines 29-31).

**Regarding claims 11, 18, and 25**, Appelman teaches the method of claims 1, 14, and 19, wherein said recipient can respond to said sender using a non-textual form of communication (Page 21, lines 29-31).

**Regarding claim 12**, Appelman teaches the method of claim 1, wherein said plurality of domains is a plurality of client domains (Page 21, lines 29-31).

**Regarding claim 13**, Appelman teaches the method of claim 1, wherein said plurality of domains is a plurality of server domains (Page 24, lines 3-17).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/  
Primary Examiner, Art Unit 2153